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 18 JOBY, INC.

19
 20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT OF CALIFORNIA
 22 SAN FRANCISCO DIVISION

23 JOBY, INC.,

24 Plaintiff,

25 Case No. 3:07-CV-06455 (SI)

v.
 TOCAD AMERICA, INC.,
 Defendant.

**DECLARATION OF JOEL MELAMED
 IN SUPPORT OF JOBY, INC.'S
 MOTION FOR A PRELIMINARY
 INJUNCTION**

Date: May 2, 2008
 Time: 2:00 p.m.
 Courtroom: 10, 19th Floor
The Honorable Susan Illston

I, Joel Melamed, declare as follows:

1. I work in business development at Joby, Inc. I make this declaration based upon my personal knowledge, and if called upon testify, could and would testify competently to the matters set forth below.

2. I began working at Joby in September 2006. I am currently responsible for sales of the Gorillapod to select accounts in the United States, including the outdoor and independent

1 3. In mid-January 2008, Joby participated in the Outdoor Retailer trade show in Salt
2 Lake City, Utah. I staffed Joby's booth at the show, where I displayed Joby's products and talked
3 to current and prospective customers.

4 4. During the show, a woman whom I understood to be the merchandise manager for
5 a company named Sahalie approached me at the Joby booth. She told me that Sahalie was very
6 pleased to be carrying the Gorillapod and that she wanted her company to start carrying the full
7 line of Gorillapods. I told her that I was fairly certain that Sahalie did not carry the Gorillapod at
8 all, but a knock-off version of the Gorillapod. She seemed surprised and told me that her
9 company did not carry knock-offs.

10 5. Attached hereto as Exhibit A is a true and correct copy of page from Sahalie's web
11 site (www.sahalie.com) that appears when the word "tripod" is typed in the search window. The
12 web page shows two flexible tripods – the FlexPod and the FlexPod Pro – both of which are
13 distributed by Tocad.

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15 I declare under penalty of perjury under the laws of the United States of America that the
16 foregoing is true and correct, and that this declaration was executed this 21st day of March, 2008,
17 in Truckee, California.

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JOEL MELAMED

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